

Newtek\Earth First\Tigar Second Bankruptcy\Motion for Relief from Stay - proposed Order

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
(Reading Division)

In re:	:	Chapter 7
Randy L. Tigar,	:	Case No. 23-10896-pmm
Debtor.	:	
	:	
Newtek Small Business Finance, LLC,	:	Hearing Date: May 16, 2022
Movant	:	Time: 10:00 o'clock a.m.
v.	:	Place: Fourth Floor Courtroom
Randy L. Tigar, and	:	201 Penn St., Reading, PA 19601
Terry P. Dershaw, Chapter 7 Trustee,	:	
Respondents.	:	
	:	Responses Due: May 1, 2023

**(PROPOSED) ORDER OF COURT GRANTING MOTION,
ALTERNATIVELY, FOR ADEQUATE PROTECTION,
RELIEF FROM THE AUTOMATIC STAY, TO PROHIBIT OR CONDITION
USE OF CASH COLLATERAL, OR DISMISSAL OF CASE, PURSUANT TO
11 U.S.C. §§105(a), 361(2), 362(d)(1), (d)(2), 363(a), (c)(2), (e), AND 707(a)(1),
FILED ON BEHALF OF NEWTEK SMALL BUSINESS FINANCE, LLC**

AND NOW, this 16th day of May 2023, upon consideration of the Motion, Alternatively for Adequate Protection, Relief from the Automatic Stay, to Prohibit or Condition Use of Cash Collateral, or Dismissal of Case, Pursuant to 11 U.S.C. §§105(a), 361(2), 362(d)(1), (d)(2), 363(a), (c)(2), (e), and 707(a)(1), filed on behalf of Newtek Small Business Finance, LLC (the "Motion")¹, the response thereto filed by the Debtor, and argument of counsel, if any, and good cause appearing therefore, it is **HEREBY FOUND** that cause has been shown for the reasons as set forth in the record for granting the relief requested in the Motion.

Accordingly, it is **HEREBY ORDERED** that:

1. The Motion is **GRANTED**;

¹Defined terms appearing herein shall have the meaning set forth for them in the Motion.

2. The automatic stay imposed by 11 U.S.C. §362(a) is hereby lifted, so as to permit Newtek Small Business Finance, LLC, to proceed with enforcement of its **in rem** rights and remedies under its Loan Documents, including, without limitation, proceeding with execution against the Personal Property, upon its Judgment, and applying any proceeds received against the Loan balance. **Relief is NOT being granted to pursue any in personam relief against the Debtor.**

By The Court:



Date: May 16, 2023

The Honorable Patricia M. Mayer
Chief United States Bankruptcy Judge

Copies to:

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(Counsel for U.S. Bank National Association, as Trustee for the Structured Asset Investment
Loan Trust Mortgage Pass-Through Certificates, Series 2004-10)

Terry P. Dershaw, Esquire, Dershaw Law Offices
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(Chapter 7 Trustee for Randy L. Tigar)

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